

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA : **CRIMINAL ACTION**

vs. :

AVROM BROWN : **NO. 18-101-3**

ORDER

AND NOW, TO WIT, this day of 2021, it is hereby
ORDERED and DECREED that the Defendant's Motion to Continue Trial is granted.

BY THE COURT:

THE HONORABLE GENE E. K PRATTER

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL ACTION
vs.	:	
AVROM BROWN	:	NO. 18-101-3

DEFENDANT’S MOTION TO CONTINUE TRIAL

The defendant, AVROM BROWN by and through his attorney, Brian J. McMonagle, hereby petitions this Honorable Court to continue the trial of defendant and states the following in support thereof:

1. Trial is scheduled for January 10, 2022, and it is anticipated that the trial will last 6-8 weeks.
2. The defendant, Avrom Brown is 73 years old, and has significant heart disease.
3. On November 24, 2021, a new variant of SARS CoV-2 was reported to the World Health Organization, and was first identified in the United States in December.
4. By all indications, the new variant is spreading rapidly across the country.
5. Defendant has genuine concerns that a six week trial with seven defendants will place him in danger of contracting the virus despite the best efforts and intentions of the Court and Courthouse Staff.
6. Furthermore, defendant is concerned that there is a significant chance of juror’s being exposed to the virus during such a lengthy trial, thereby risking a mistrial.

7. Defendant recommends and requests that a new trial date be scheduled in the fall of 2022.
8. It is anticipated that some or all of the co-defendants will oppose the instant request for good reasons.
9. Alternatively, defendant would respectfully request that his case be severed from those insisting on a January 2022 trial date.

WHEREFORE, we respectfully request that the defendant's trial be rescheduled for a date that is acceptable to the Court.

Respectfully Submitted,

/s/BRIAN J. MCMONAGLE
BRIAN J. MCMONAGLE, ESQUIRE

CERTIFICATE OF SERVICE

BRIAN J. MCMONAGLE, Esquire hereby certifies that a true and correct copy of the within Motion to Continue Trial has been electronically filed:

s/s BRIAN J. MCMONAGLE
BRIAN J. MCMONAGLE, Esquire
Attorney for defendant
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DATED: 12/16/2021